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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,625	04/13/2004	John J. Sie	019281-002030US	6268
20350 7590 01/02/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER SAINT CYR, JEAN D	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/824,625

Applicant(s)

SIE ET AL.

Examiner

Jean D. Saintcyr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. Claims 1-35, filed 04/13/2004, are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7-22, 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington et al in view of Garfinkle et al, US Patent No. 5400402.

Re claim 1, Herrington et al disclose a multi-channel(multi-channel, col.8, line 18) video distribution system(see fig.1A, element 56, television distribution facility) for controlling viewing (controlling program viewing, col.5, line 36)of a video program (video signals, col.7, lines 43-44)by an end user, the multi-channel(multi-channel, col.8, line 18) video distribution system(see fig.1A, element 56, television distribution facility )comprising:

a program distribution system adapted to provide programs to one or more end user viewing devices(television distribution facility is a facility as a cable system headend, a broadcast distribution facility for distributing television signals to viewers, col.7, lines 47-50) wherein the programs are distributed according to a linear schedule(program schedule to determine the programs being broadcast at a particular time, col.1, lines 16-18) including multiple channels(multiple television and channels, col.8, lines 26-27) that

simultaneously distribute programs;

a viewing control system in communication with the program distribution system and the end user viewing devices(controlling program viewing based on parental control criteria for use in an interactive program guide system, col.16, lines 9-11), the viewing control system, comprising:

a parental control programming system (parental control television programming, col.9, lines 65-66) adapted to receive parental control rules(parental control criteria, col.2, line 20) from an end user, the parental control rules(parental control criteria, col.2, line 20).

But Herrington et al fail to disclose defining program viewing limits for one or more time periods; and a program viewing limit control system adapted to: count a number of viewings of a program during the one or more time periods;  
determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods; and  
prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods.

In an analogous art, Garfinkle et al disclose defining program viewing limits for one or more time periods(a control system at the customer's site limit further access to the stored program after the limit has been reached, col.2, line 36-38); and a program viewing limit control system adapted to:

count a number of viewings of a program during the one or more time periods(count of the number of times video data at a certain address location has been accesses, col.4, lines 8-10);  
determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods(see fig.3, element 54, limit reached);  
and

prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods (this limit data may comprise a time limit or limit the number of accesses to data or both, the microprocessor issues a command to controller 44 to erase the video data stored in the memory or to otherwise block access to the data by the television set, col.4, lines 32-48).

In view of the teaching of Garfinkle, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement defining program viewing limits for one or more time periods; and a program viewing limit control system adapted to: count a number of viewings of a program during the one or more time periods; determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods; and prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods into the system of Herrington. With such option, parents will have the opportunities to monitor the viewing activities of their kids by limiting the number of times that their kids can get access to a particular video content.

Re claim 2, Herrington et al wherein the parental control rules define program viewing limits based on one or more criteria selected from the group consisting of time period, program content, or a combination of time period and program content (program content rating, col.9, line 43) .

Re claim 3, Herrington et al disclose wherein the program viewing limits can be set to zero for adult content (blocked programming may be unblocked by entering a parental control code, col.1, lines 45-46; that means that kind of program is set to zero and only users that have a valid password for that particular can watch that content).

Re claim 7, Herrington et al disclose wherein the parental control programming system (parental control television programming, col.9, lines 65-66) is adapted to receive and implement defined parental control rules (parental control criteria, col.2, line 20) for a plurality of end users (the system may allow users to set up multiple accounts, one account for every user in the household, col.2, lines 4-5; that means plurality of end users) and wherein the program viewing limit control system is adapted to apply the defined parental control rules to each of the plurality of end users (see fig.18C; that means parental control is applied to more than one user).

Re claim 8, Herrington et al disclose wherein the program distribution system comprises a system selected from the group including a cable programming transmission network, a satellite programming transmissions network, or an audio or video server connected to the Internet (see fig.1A, element 59, satellite link; cable system headend, col.7, line 48).

Re claim 9, Herrington et al disclose wherein the viewing control system comprises a server located at a program service provider (see fig.1, element 50, remote server; the system 50 may record program at a remote server rather than on a local recording device, col.8, lines 58-59).

Re claim 10, Herrington et al disclose wherein the viewing control system is configured with the program distribution system (the program guide may control purchasing and program viewing differently based on account type, col.11, and lines 48-58).

Re claim 11, Herrington et al disclose wherein the viewing control system comprises a computing device at an end user location in communication with a server located at a program service provider (personal computer, col.8, lines 41-49).

Re claim 12, Herrington et al disclose wherein the computing device comprises a device selected from the group including a set-top box, a personal video recorder (PVR), a video server, a television having set-top box and/or PVR functionality built therein, a personal digital assistant (PDA), a portable media center, a portable viewing device, and a personal computing device (see fig.1, element 64, set-top box).

Re claim 13, Herrington et al disclose the multi-channel wherein the programs comprise programs selected from group including pay per view video on demand (VOD) programs, near VOD programs, subscription VOD, cable television programs, terrestrially broadcast programs, satellite television programs, and music programs(satellite television distribution, col.7, lines 49-50).

Re claim 14, Herrington et al disclose wherein the time period (specified period of time, col.4, line 2) can be based on years, months, weeks, days, portions of days, or hours (see fig.26B, 26C; see fig.27, enter parent code to deactivate parental lock; that means the viewing control can be set during a specified period of time like days, portions of days and hours).

Re claim 15, Herrington et al disclose wherein the portions of days comprise morning, afternoon, evening, night and prime time viewing period (an option that was turned to bypass locks may be turned off automatically when a specified period of time elapses, col.19, lines 2-6; that means it is obvious that period of time could be in the morning, afternoon, evening).

Re claim 16, depending on claim 1, see rejection on claim 12.

Re claim 17, Herrington et al fail to disclose defining program viewing limits for one or more time periods; and a program viewing limit control system adapted to: count a number of viewings of a program during the one or more time periods;

determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods; and prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods.

In an analogous art, Garfinkle et al disclose defining program viewing limits for one or more time periods(a control system at the customer's site limit further access to the stored program after the limit has been reached, col.2, line 36-38); and a program viewing limit control system adapted to:

count a number of viewings of a program during the one or more time periods(count of the number of times video data at a certain address location has been accesses, col.4, lines 8-10);

determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods(see fig.3, element 54, limit reached); and

prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods(this limit data may comprise a time limit or limit the number of accesses to data or both, the microprocessor issues a command to controller 44 to erase the video data stored in the memory or to otherwise block access to the data by the television set, col.4, lines 32-48).

In view of the teaching of Garfinkle, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement defining program viewing limits for one or more time periods; and a program viewing limit control system adapted to: count a number of viewings of a program during the one or more time periods; determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods; and prevent further viewings of the program if the number of



viewings exceeds the defined program viewing limits for the one or more time periods into the system of Herrington. With such option, parents will have the opportunities to monitor the viewing activities of their kids by limiting the number of times that their kids can get access to a particular video content.

Re claim 18, depending on claim 1, see rejection on claim 17.

Re claim 19, Herrington et al disclose wherein the program is delivered as part of a linear schedule of programs (program schedule to determine the programs being broadcast at a particular time, col.1, and lines 16-18).

Re claim 20, Herrington et al disclose receiving parental control rules from an end user (parental control criteria, col.2, line 20); the parental control rules (parental control criteria, col.2, line 20).

But Herrington et al fail to disclose defining program viewing limits for one or more time periods; and a program viewing limit control system adapted to: count a number of viewings of a program during the one or more time periods; determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods; and prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods.

In an analogous art, Garfinkle et al disclose defining program viewing limits for one or more time periods(a control system at the customer's site limit further access to the stored program after the limit has been reached, col.2, line 36-38); and a program viewing limit control system adapted to: count a number of viewings of a program during the one or more time periods(count of the number of times video data at a certain address location has been

accesses, col.4, lines 8-10); determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods(see fig.3, element 54, limit reached); and prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods(this limit data may comprise a time limit or limit the number of accesses to data or both, the microprocessor issues a command to controller 44 to erase the video data stored in the memory or to otherwise block access to the data by the television set, col.4, lines 32-48).

In view of the teaching of Garfinkle, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement defining program viewing limits for one or more time periods; and a program viewing limit control system adapted to: count a number of viewings of a program during the one or more time periods; determine whether the number of viewings exceeds the defined program viewing limits for the one or more time periods; and prevent further viewings of the program if the number of viewings exceeds the defined program viewing limits for the one or more time periods into the system of Herrington. With such option, parents will have the opportunities to monitor the viewing activities of their kids by limiting the number of times that their kids can get access to a particular video content.

Re claim 21, depending on claim 20, see rejection on claim 2.

Re claim 22, depending on claim 20, see rejection on claim 3.

Re claim 26, depending on claim 20, see rejection on claim 7.

Re claim 27, depending on claim 20, see rejection on claim 8.

Re claim 28, depending on claim 20, see rejection on claim 14.

Re claim 29, depending on claim 20, see rejection on claim 15.

Re claim 30, depending on claim 20, see rejection on claim 12.

Re claim 31, depending on claim 20, see rejection on claim 17.

Re claim 32, depending on claim 20, see rejection on claim 18.

Re claim 33, see rejection on claim 20.

Re claim 34, Herrington et al disclose further comprising an advertising screen presented (the program guide may display advertising, col.21, line 10) if the number of viewings exceeds the defined program viewing limit for the one or more time periods.

Re claim 35, Herrington et al disclose. wherein the program is removed (delete menu items, col.9, line 7; that means program can be removed from the interactive program) from listings an interactive program guide when the program reaches the defined viewing limit.

4. Claims 4, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington et al in view of Garfinkle et al, US Patent No.5400402 further in view of Cragun US. NO. 5973683

Re claim 4, Herrington in view of Garfinkle fail to disclose wherein the program viewing limits can be set high for educational content.

In an analogous art, Cragun et al disclose wherein the program viewing limits can be set high for educational content (a user profile may be set such that a child may view as many educational program as desired, col.12, lines 16-18; that means there is no limit in viewing programs concerning education, those programs can be set high).

In view of the teaching of Cragun, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the program viewing limits can be set high for educational content into the system of Herrington in view of Garfinkle. With such option, children will have the opportunity to watch educational programs with no limits.

Re claim 23, depending on claim 20, see rejection on claim 4.

5. Claims 5-6, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington et al in view of Garfinkle et al, US Patent No.5400402 further in view of Casement US. NO. 6144401.

Re claim 5, Herrington in view of Garfinkle fail to disclose wherein the program viewing limits can be set low for a time period after school.

In an analogous art, Casement et al disclose wherein the program viewing limits can be set low for a time period after school (see fig.2E; the parental control is only locked the TV for two hours and 30 mn from 2:30 PM to 5:00 PM, this period of time correspond to after school and children will be able to watch TV after that time; that means it is obvious that the parental control was set low).

In view of the teaching of casement, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the program viewing limits can be set low for a time period after school into the system of Herrington in view of Garfinkle. With such option, parents will have the opportunity to give less time to their children for watching TV. Also, those children will need to do their homework before they can watch TV.

Re claim 6, Herrington in view of Garfinkle fail to teach wherein the program viewing limits can be set low for a late night time period.

In an analogous art, Casement et al disclose wherein the program viewing limits can be set low for a late night time period(the user may lock-out programs by channels and/

or by time from the parental control menu, col.1, lines 43-45; that means it is obvious that channel that broadcasts late night show can be set low).

In view of the teaching of Casement, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the program viewing limits can be set low for a late night time period into the system of Herrington in view of Garfinkle. With such modification, parents will have the opportunity to give less time to their children to watch late night show in order to force them to go to bed earlier. Also, children will have more time to sleep with that extra option.

Re claim 24, depending on claim 20, see rejection on claim 5.

Re claim 25, depending on claim 20, see rejection on claim 6

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6025868 (Stored Program Pay-Per-Play, Russo et al), this system allows users to store video content locally and those users pay some fees for every viewing.

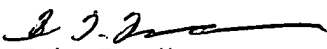
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcy whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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Jean Duclos Saintcyr  
12/04/07

  
Brian Pendleton  
Supervisor Patent Examiner